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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Arizona Dream Act Coalition; et al.,
Plaintiffs,

vs.

Janice K. Brewer; et al.,
Defendants.

CASE NO. 02:12-cv-02546-DGC-PHX

**DECLARATION OF RICHARD M.
PEARL IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEY'S FEES
AND RELATED NON-TAXABLE
EXPENSES**

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**Pro hac vice*

Attorneys for Plaintiffs

1 I, RICHARD M. PEARL, hereby declare the following:

2 1. I am a member in good standing of the California State Bar. I am in private
3 practice as the principal of my own law firm, the Law Offices of Richard M. Pearl, in Berkeley,
4 California. I specialize in issues related to court-awarded attorneys' fees, including the
5 representation of parties in fee litigation and appeals, serving as an expert witness, and serving
6 as a mediator and arbitrator in disputes concerning attorneys' fees and related issues. In this
7 case, I have been asked by Plaintiffs' counsel based in the San Francisco Bay Area to render my
8 opinion on the reasonableness of the hourly rates their attorneys are requesting in this matter. I
9 make this Declaration in Support of Plaintiffs' Motion for Attorneys' Fees and Related Non-
10 Taxable Expenses.

11 2. Briefly summarized, my background is as follows: I am a 1969 graduate of Boalt
12 Hall School of Law, University of California, Berkeley, California. I took the California Bar
13 Examination in August 1969 and passed it in November of that year, but because I was working
14 as an attorney in Atlanta, Georgia for the Legal Aid Society of Atlanta (LASA), I was not
15 admitted to the California Bar until February 1970. I worked for LASA until the summer of
16 1971, when I then went to work in California's Central Valley for California Rural Legal
17 Assistance, Inc. (CRLA), a statewide legal services program. From 1977 to 1982, I was
18 CRLA's Director of Litigation, supervising more than fifty attorneys. In 1982, I went into
19 private practice, first in a small law firm, then as a sole practitioner. Martindale Hubbell rates
20 my law firm "AV." I also have been selected as a Northern California "Super Lawyer" in
21 Appellate Law for 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017,
22 and 2018. A copy of my Resume is attached hereto as **Exhibit A**.

23 3. Since 1982, my practice has been a general civil litigation and appellate practice,
24 with an emphasis on cases and appeals involving court-awarded attorneys' fees. I have lectured
25 and written extensively on court-awarded attorneys' fees. I have been a member of the
26 California State Bar's Attorneys Fees Task Force and have testified before the State Bar Board
27 of Governors and the California Legislature on attorneys' fee issues. I am the author of
28 California Attorney Fee Awards (3d ed Cal. CEB 2010) and its 2011, 2012, 2013, 2014, 2015,

2016, 2017, and 2018 Supplements. I also was the author of California Attorney Fee Awards, 2d Ed. (Calif. Cont. Ed. of Bar 1994), and its 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008 Supplements. This treatise has been cited by the California appellate courts on numerous occasions. *See, e.g., Graham v. DaimlerChrysler Corp.*(2004) 34 Cal.4th 553, 576, 584; *Lolley v. Campbell* (2002) 28 Cal.4th 367, 373; *Chacon v. Litke* (2010) 181 Cal.App.4th 1234, 1259; *Syers Properties III, Inc. v. Rankin* (2014) 226 Cal.App.4th 691, 698, 700. I also authored the 1984, 1985, 1987, 1988, 1990, 1991, 1992, and 1993 Supplements to its predecessor, CEB’s California Attorney’s Fees Award Practice. In addition, I authored a federal manual on attorneys’ fees entitled Attorneys’ Fees: A Legal Services Practice Manual, published by the Legal Services Corporation. I also co-authored the chapter on “Attorney Fees” in Volume 2 of CEB’s Wrongful Employment Termination Practice, 2d Ed. (1997).

4. More than 90% of my practice is devoted to issues involving court-awarded attorney’s fees. I have been counsel in over 200 attorneys’ fee applications in state and federal courts, primarily representing other attorneys. I also have briefed and argued more than 40 appeals, at least 30 of which have involved attorneys’ fees issues. I have successfully handled five cases in the California Supreme Court involving court-awarded attorneys’ fees: (1) *Maria P. v. Riles*, 43 Cal.3d 1281 (1987), which upheld a C.C.P. section 1021.5 fee award based on a preliminary injunction obtained against the State Superintendent of Education, despite the fact that the case ultimately was dismissed under C.C.P. section 583; (2) *Delaney v. Baker*, 20 Cal.4th 23 (1999), which held that heightened remedies, including attorneys’ fees, are available in suits against nursing homes under California’s Elder Abuse Act; (3) *Ketchum v. Moses*, 24 Cal.4th 1122 (2001), which held, *inter alia*, that contingent risk multipliers remain available under California attorney fee law, despite the United States Supreme Court’s contrary ruling on federal law (note that in *Ketchum*, I was primary appellate counsel in the Court of Appeal and “second chair” in the Supreme Court); (4) *Flannery v. Prentice*, 26 Cal.4th 572 (2001), which held that in the absence of an agreement to the contrary, statutory attorneys’ fees belong to the attorney whose services they are based upon; and (5) *Graham v. DaimlerChrysler Corp.*, 34

Cal.4th 553 (2004), which I handled, along with trial counsel, in both the Court of Appeal and Supreme Court. I also represented and argued on behalf of *amicus curiae* in *Conservatorship of McQueen*, 59 Cal.4th 602 (2014), presenting the argument relied upon by the Court. Along with the Western Center on Law and Poverty, I also prepared and filed an *amicus curiae* brief in *Vasquez v. State of California*, 45 Cal.4th 243 (2009). I also have handled numerous other appeals, including: *Davis v. City & County of San Francisco*, 976 F.2d 1536 (9th Cir. 1992); *Mangold v. CPUC*, 67 F.3d 1470 (9th Cir. 1995); *Velez v. Wynne*, 2007 U.S. App. LEXIS 2194 (9th Cir. 2007); *Camacho v. Bridgeport Financial, Inc.*, 523 F.3d 973 (9th Cir. 2008); *Center for Biological Diversity v. County of San Bernardino*, 185 Cal.App.4th 866 (2010); *Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection et al*, 190 Cal.App.4th 217 (2010); and *Heron Bay Home Owners Assn. v. City of San Leandro*, 19 Cal.App.5th 376 (2018). I also have extensive experience litigating the merits of class actions, including numerous housing, government benefits, and consumer class actions. *See, e.g., Employment Dev. Dept. v. Superior Court (Boren)* (1981) 30 Cal.3d 256. I also have represented Class Counsel on their fee requests in numerous highly-contested class actions, including *Davis v. City & County of San Francisco*, *supra*, *Duran v. First National Bank*, Alameda County Superior Court No. 2001-035537 and *Molina, et al. v. Lexmark International, et al.*, Los Angeles County Superior Court No. BC339177. For an expanded list of my representative reported decisions, *see* Exhibit A, pp. 4-8.

5. I also have been retained by various governmental entities, including the California Attorney General's office, the California Department of Fair Employment and Housing, and the City of Oakland, at my then current rates, to consult with them regarding their affirmative attorney fee claims.

6. I am frequently called upon to opine about the reasonableness of attorneys' fees, and my declarations on that issue have been cited favorably by numerous federal and state courts. The following federal courts have cited my declaration testimony favorably:

- *Antoninetti v. Chipotle Mexican Grill, Inc.*, No. 08-55867 (9th Cir. 2012), Order filed Dec. 26, 2012, at 6;

- 1 • *Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 455 (9th Cir. 2010) (the expert declaration referred to is mine);
- 2 • *Notter v. City of Pleasant Hill*, 2017 U.S.Dist.LEXIS 197404, 2017 WL 5972698 (N.D. Cal. 2017)
- 3 • *Villalpondo v. Exel Direct, Inc.*, 2016 WL 1598663 (N.D. Cal. 2016);
- 4 • *State Compensation Insurance Fund v. Khan et al*, Case No. SACV 12-01072-CJC (JCGx) (C.D. Cal.), Order Granting in Part and Denying in Part the Zaks Defendants' Motion for Attorneys' Fees, filed July 6, 2016 (Dkt. No. 408);
- 5 • *In re Cathode Ray Tube Antitrust Litig.*, Master File No. 3:07-cv-5944 JST, MDL No. 1917 (N.D. Cal. 2016) 2016 U.S.Dist.LEXIS 24951 (Report And Recommendation Of Special Master Re Motions (1) To Approve Indirect Purchaser Petitioner's Settlements With the Phillips, Panasonic, Hitachi, Toshiba, Samsung SDI, Technicolor, And Technologies Displays Americas Defendants, and (2) For Award Of Attorneys' Fees, Reimbursement Of Litigation Expenses, And Incentive Awards To Class Representative, Dkt. 4351, dated January 28, 2016, *adopted in relevant part*, 2016 U.S.Dist.LEXIS 88665;
- 6 • *Gutierrez v. Wells Fargo Bank*, 2015 U.S. Dist. LEXIS 67298 (N.D. Cal. 2015);
- 7 • *Holman v. Experian Information Solutions, Inc.*, 2014 U.S. Dist. LEXIS 173698 (N.D. Cal. 2014);
- 8 • *In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. M 07-1827 SI, MDL No. 1827 (N.D. Cal.), Report and Recommendation of Special Master Re Motions for Attorneys' Fees And Other Amounts By Indirect-Purchaser Class Plaintiffs And State Attorneys General, Dkt. 7127, filed Nov. 9, 2012, *adopted in relevant part*, 2013 U.S. Dist. LEXIS 49885 (N.D. Cal. 2013) ("*TFT-LCD (Flat Panel) Report & Recommendation*");
- 9 • *Walsh v. Kindred Healthcare*, 2013 U.S. Dist. LEXIS 176319 (N.D. Cal. 2013);
- 10 • *A.D. v. California Highway Patrol*, 2009 U.S. Dist. LEXIS 110743, at *4 (N.D. Cal. 2009), *rev'd on other grounds*, 712 F.3d 446 (9th Cir. 2013), *reaffirmed and additional fees awarded on remand*, 2013 U.S. Dist. LEXIS 169275 (N.D. Cal. 2013);
- 11 • *Hajro v. United States Citizenship & Immigration Service*, 900 F. Supp. 2d 1034, 1054 (N.D. Cal 2012);
- 12 • *Rosenfeld v. United States Dep't of Justice*, 904 F. Supp. 2d 988, 1002 (N.D. Cal. 2012);
- 13 • *Garcia v. Resurgent Capital Servs.*, 2012 U.S.Dist.LEXIS 123889 (N.D. Cal. 2012);
- 14 • *Stonebrae, L.P. v. Toll Bros., Inc.*, 2011 U.S. Dist. LEXIS 39832, at *9 (N.D. Cal. 2011) (thorough discussion), *aff'd* 2013 U.S. App. LEXIS 6369 (9th Cir. 2013);
- 15 • *Armstrong v. Brown*, 2011 U.S. Dist. LEXIS 87428 (N.D. Cal. 2011);

- *Lira v. Cate*, 2010 WL 727979 (N.D. Cal. 2010);
- *Californians for Disability Rights, Inc. v. California Dep't of Transportation*, 2010 U.S. Dist. LEXIS 141030 (N.D. Cal. 2010);
- *Nat'l Federation of the Blind v. Target Corp.*, 2009 U.S. Dist. LEXIS 67139 (N.D. Cal. 2009);
- *Prison Legal News v. Schwarzenegger*, 561 F.Supp.2d 1095 (N.D. Cal. 2008) (an earlier motion);
- *Bancroft v. Trizechahn Corp.*, No. CV 02-2373 SVW (FMOx), Order Granting Plaintiffs Reasonable Attorneys' Fees and Costs In the Amount of \$168,886.76, Dkt. 278 (C.D. Cal. Aug. 14, 2006);
- *Willoughby v. DT Credit Corp.*, No. CV 05-05907 MMM (CWx), Order Awarding Attorneys' Fees After Remand, Dkt. 65 (C.D. Cal. July 17, 2006);
- *Oberfelder v. City of Petaluma*, 2002 U.S. Dist. LEXIS 8635 (N.D. Cal. 2002), aff'd 2003 U.S. App. LEXIS 11371 (9th Cir. 2003).

7. The following California appellate courts also have referenced my declaration favorably:

- *Kerkeles v. City of San Jose*, 243 Cal.App.4th 88 (2015);
- *Habitat and Watershed Caretakers v. City of Santa Cruz*, 2015 Cal. App. Unpub. LEXIS 7156, 2015 WL 5827045 (2015);
- *Laffitte v. Robert Half Int'l Inc.*, 231 Cal.App.4th 860 (2014), aff'd (2016) 1 Cal.5th 480;
- *In re Tobacco Cases I*, 216 Cal.App.4th 570 (2013);
- *Heritage Pacific Financial, LLC v. Monroy*, 215 Cal.App.4th 972 (2013);
- *Wilkinson v. South City Ford*, 2010 Cal. App. Unpub. LEXIS 8680, 2010 WL 4292631 (2010);
- *Children's Hospital & Medical Center v. Bonta*, 97 Cal.App.4th 740 (2002);
- *Church of Scientology v. Wollersheim*, 42 Cal.App.4th 628 (1996).

8. Numerous California trial courts have also relied on my declaration or in person testimony.

9. Through my writing and practice, I have become familiar with the non-contingent market rates charged by attorneys in California and elsewhere. I have obtained this familiarity

in several ways: (1) by handling attorneys' fee litigation; (2) by discussing fees with other attorneys; (3) by obtaining declarations regarding prevailing market rates in cases in which I represent attorneys seeking fees; and (4) by reviewing attorneys' fee applications and awards in other cases, as well as surveys and articles on attorney's fees in the legal newspapers and treatises.

10. In this case, I have consulted with Plaintiffs' counsel regarding the fee application for their work in this matter. I have been made aware of the rates requested by Plaintiffs' counsel and their respective backgrounds and experience. In particular, I am aware that Plaintiffs' counsel request the following market-based rates for lawyers admitted to practice in the following years:

ACLU Attorney	Law School Grad Year	Hourly Rate	Dates of work performed	Attorney Location
Cecillia Wang	1995	\$775	2013-2017	SF
Jennifer Chang Newell	2003	\$630	2012-2017	SF
Michael Tan	2008	\$480	2012-2017	SF (2012-2014) NY (2014-2017)
Katrina Eiland	2010	\$445	2017	SF
Christine Sun	1998	\$705	2013-2014	SF
Araceli Martínez-Olguín	2004	\$600	2013-2015	SF
Orion Danjuma	2010	\$445	2012-2014	SF

NILC Attorney	Year	Hourly Rate	Dates of Work	Location
Tanya Broder	1988	\$800	2012-2017	Oakland

Counsel's Hourly Rates Are Reasonable

11. As noted, I have reviewed the billing rates requested by Plaintiffs' counsel in this proceeding. The 2018 rates being requested by Plaintiffs' counsel based in the San Francisco

Bay Area are eminently reasonable in light of the information I have gathered as an attorneys' fees specialist (see ¶¶ 12-15 below). Under federal fee-shifting law, Plaintiffs' counsel are entitled to the hourly rates they have requested if those rates are "in line with" the rates charged by attorneys of reasonably comparable experience, expertise, and skill for reasonably similar work. *Blum v. Stenson*, 465 U.S. 886, 895 fn. 11 (1984). I am aware of the 2012-2013 hourly rates awarded to ACLU attorneys by the United States District Court for the District of Arizona, in *Ortega Melendres v. Arpaio*, No. 07-cv-2513-GMS (Fee Order dated Sept. 11, 2014). I am also familiar with the work of the ACLU and its Immigrants' Rights Project. The ACLU is among the leading organizations litigating civil rights and civil liberties cases nationwide. The skills and work product of the ACLU's lawyers would command market rates at the high end in the local legal marketplace. In my opinion, based on my knowledge of counsel's backgrounds and experience levels and the information about hourly rates I have gathered, some of which is summarized below, the rates requested by Plaintiffs' counsel in this matter are well within the range of, but lower than many of, the non-contingent market rates charged by San Francisco Bay Area attorneys of reasonably comparable experience, skill, and expertise for reasonably comparable services. I base that opinion in large part on the following data:

Rates Found Reasonable in Other Cases

12. The following hourly rates have been found reasonable by various Northern California courts for reasonably comparable services:

2017 Rates

(1) *Max Sound Corp. v. Google Inc.*, 2017 U.S. Dist. LEXIS 168541 (N.D. Cal. Sept. 25, 2017), a patent action dismissed by the court on defendants' motion, in which the court found reasonable the following hourly rates:

<u>California Bar Admission</u>	<u>Rates Over 2-year Period</u>
<u>Date</u>	
1995	\$905
2000	\$650-950
2007	\$504-608

2012 \$336-575

(2) *May v. San Mateo County*, N.D. Cal. No. 3:16-cv-00252-LB, Stipulation and Order re Settlement filed Nov. 10, 2017 [Doc. No. 218], an individual police misconduct action, in which the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
26	\$775
22	\$775
10	\$475
5	\$425
48	\$825
Paralegal	\$240

(3) *In re National Collegiate Athletic Assn. Athletic Grant-In-Aid Antitrust Litigation*, 2017 U.S.Dist.LEXIS 201108 (N.D. Cal. Dec. 6, 2017), a class antitrust action, in which the court found the following hourly rates reasonable:

<u>Level</u>	<u>Rate</u>
Hagens Berman Sobol Shapiro LLP	
Senior Attorney	\$950
Other Partners	\$578-760
Associates	\$295-630
Pearson, Simon & Warshaw LLP	
Senior Attorneys	\$835-1,035
Other Partner	\$715-870
Of Counsel	\$450-900
Associates	\$350-635
Staff & Law Clerks	\$175-225
Pritzker Levine	
Partners	\$695
Of Counsel and Associates	\$495-625

(4) *Hoeper v. City & County of San Francisco*, No. CGC-15-543553, Order After Hearing Granting in Part and Denying in Part Plaintiff Joanne Hoeper's Motion for Attorney

Fees, filed July 12, 2017, an individual whistleblower case under Government Code section 12653(b), in which the trial court found the following hourly rates reasonable, before applying a 1.35 lodestar multiplier:

<u>Bar Admission Year</u>	<u>Rates</u>
1982	\$850 - 750
1979	\$750
2003	\$550
Associates	\$350
Paralegals	\$150-160

(5) *Ridgeway v. Wal-Mart Stores, Inc.*, N.D. Cal. No. 08-cv-05221-SI, Order Granting in Part and Denying in Part Petitioner's Motion for Fees, Costs, and Enhancement Awards, filed September 14, 2017 (Dkt. No. 606), reported at 2017 U.S.Dist.LEXIS 149440, a wage and hour class action, in which the court issued a statutory fee award against Wal-Mart based on the following 2017 rates (plus a 2.0 multiplier), to partially offset a 25% common fund fee award payable by the class:

<u>Years of Experience</u>	<u>Rate</u>
46	\$900
40	\$890
38	\$870
36	\$850
34	\$830
20	\$730
37 (senior assoc.)	\$700
29 (senior assoc.)	\$670
19 (senior assoc.)	\$610
11	\$500
7	\$450-500
6	\$425
3	\$355
4	\$330
1	\$300
Senior Paralegal	\$225

Paralegal	\$195
Law Clerk	\$225

(6) *Nitsch v. Dreamworks Animation SKG, Inc.*, N.D. Cal. No. 5:14-cv-04062-LHK, Order Granting in Part and Denying in Part Motion for Attorney's Fees (Dkt. No. 402), an antitrust class action brought by former employees of the defendants, in which the court found the following hourly rates reasonable, before applying a 2.0 multiplier:

<u>Years of Experience</u>	<u>Rate</u>
44	\$1,200
35	\$950
28	\$870
21	\$735
Paralegal	Up to \$290

(7) *Huynh v. Hous. Auth. Of Santa Clara*, 2017 U.S.Dist.LEXIS 39138 (N.D. Cal. 2017), a tenant class action¹ challenging the Housing Authority's policy regarding the accommodation of households with disabled family members, in which the court found the following hourly rates reasonable:

<u>Graduation Year</u>	<u>Rate</u>
Law Foundation of Silicon Valley:	
1990	\$800
2001	\$660
2004	\$635
2007	\$545
2008	\$545
2010	\$415
2014	\$325
2015	\$325
Fish & Richardson PC:	
1996	\$862.07

¹ The rates found reasonable in class actions are also probative of reasonable rates for non-class cases. *Heritage Pacific Financial v. Monroy* (2013) 215 Cal.App.4th 972, 1009.

2002	\$700
2005	\$676.75
2011	\$530
2007	\$475
2014	\$362.54
2015	\$329.09
2016	\$330.11
Paralegals	\$236-275

(8) *Cotter et al. v. Lyft, Inc.*, N.D. Cal. No. 13-cv-04065- VC, Order Granting Final Approval of Settlement Agreement, filed March 16, 2017 (Dkt. No. 310), a class action against Lyft alleging Lyft underpaid its drivers by classifying them as independent contractors, in which the court approved the percentage-based fee award requested by plaintiffs based on the following hourly rates, plus a 3.18 multiplier:

<u>Class</u>	<u>Rate</u>
1996	\$800
2010	\$500
2014	\$325
Paralegal	\$200

(9) *Armstrong v. Brown*, N.D. Cal. No. 4:94-cv-02307-CW, Stipulated Order Confirming Undisputed Attorneys' Fees and Costs for the Third Quarter of 2017, filed December 19, 2017 (Dkt. No. 2708), a prisoners' rights class action, in which the court approved the following 2017 hourly rates for monitoring the injunction in that matter:

Years of Experience	Rate
37	\$950
33	\$825
20	\$780
24 (Of Counsel)	\$700
12 (Partner)	\$650
9 (Associate)	\$490
8	\$480
7	\$470

Years of Experience	Rate
6	\$440
Paralegals	\$240-325

2016 Rates

(10) *California Building Industry Association v. City of San Jose et al.*, Santa Clara County Superior Court, No. 110CV167289, Order on Submitted Matter filed December 23, 2016, an action against the City of San Jose's affordable housing ordinance, in which the court awarded fees to the Intervenors and found the following 2016 hourly rates reasonable:

<u>Year Admitted</u>	<u>Rate</u>
1980	\$810
1998	\$710

(11) *Animation Workers Antitrust Litigation*, N.D. Cal. No. 14-CV-4062 LHK, Order Granting Petitioner's Motion for Attorneys' Fees, Expenses, and Service Awards for Settlements with Sony Pictures Imageworks, Inc., Sony Pictures Animation Inc., and Blue Sky Studios Inc., filed November 11, 2016, reported at 2016 U.S.Dist.LEXIS 156720, a class action alleging defendants violated the antitrust laws by restricting their employees' ability to change employers, in which the court found the following 2016 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
44	\$1,200
27	\$845
22	\$735
Paralegals	Up to \$290

(12) *National Federation of the Blind of California v. Uber Technologies, Inc.*, N.D. Cal. No. 14-cv-04086 NC, Order Granting Final Approval and Attorneys' Fees, filed December 6, 2016 (Dkt. No. 139), a class action against Uber alleging that it violated federal antidiscrimination laws by allowing its drivers to refuse to accept service dogs, in which the court found the following 2016 hourly rates reasonable (before applying a 1.5 lodestar multiplier under California law):

<u>Class</u>	<u>Rate</u>
1980	\$900
1985	\$895
1997	\$740
2005	\$645
2010	\$475
2011	\$460
2014	\$355
Paralegals	\$275
Summer Associates	\$275-280
2	\$265

2015 Rates

(13) *Guerrero v. California Department of Corrections and Rehabilitation*, 2016 U.S. Dist. LEXIS 78796 (N.D. Cal. 2016), *affirmed in relevant part*, (9th Cir. 2017) 2017 U.S.App.LEXIS 12450, an individual Title VII action against two state agencies that established unlawful discrimination against a Latino job applicant, in which the court found the following 2015 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
47	\$775
45	\$754*
29	\$753.50
18	\$654.50
6	\$358*
5	\$325
Paralegals	\$150

* (blended historical rate)

(14) *Carnes v. Atria Senior Living, Inc.*, N.D. Cal. No. 14-cv-02727-VC, Order Granting Motion for Attorneys' Fees, Costs, and Service Award, filed July 12, 2016 (Dkt. No. 115), a class action against a skilled nursing facility, in which the court found the following 2015 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
30-35	\$750-775
23	\$700
18	\$575
13	\$550
12	\$650
7	\$550
6	\$450
5	\$350
4	\$450
2	\$265

(15) *Civil Rights Education and Enforcement Center v. Ashford Hospitality Trust, Inc.*, 2016 U.S. Dist. LEXIS 37256 (N.D. Cal. March 22, 2016), an action challenging defendants' hotels' failure to provide wheelchair accessible transportation, in which the Court found the following 2015 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rates</u>
41	\$900
24	\$750
10	\$550
8	\$500
5	\$430
Paralegal	\$250

(16) *Armstrong v. Brown*, N.D. Cal. No. 4:94-cv-02307-CW, Stipulated Order Confirming Undisputed Attorneys' Fees and Costs for the Fourth Quarter of 2015, filed February 2, 2016 (Dkt. No. 2576), a prisoners' rights class action, in which the court approved the following 2015 hourly rates for monitoring the injunction in that matter:

<u>Years of Experience</u>	<u>Rate</u>
35	\$840
31	\$710
18	\$690
21 (Of Counsel)	\$590

9 (Partner)	\$525
9 (Associate)	\$490
8	\$480
7	\$470
6	\$440
Paralegals	\$220-290

(17) *Alden v. Alden*, San Mateo County Superior Court No. CIV 524269, Order Granting Petitioner Katherine Alden's Motion for Attorneys' Fees and Costs, filed November 23, 2015, a fee award for appellate work under California C.C.P. § 527.6(r), in which the court found the following 2015 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
49	\$1,045
42	\$1,035
41	\$990
22	\$875
10	\$600
3	\$500

(18) *In re High Tech Employment Antitrust Litigation* (N.D. Cal. 2015) 2015 U.S. Dist. LEXIS 118052, filed September 2, 2015, a class employment practices action, in which the court found the following 2015 hourly rates reasonable (before applying a 2.2 multiplier):

<u>Level</u>	<u>Rates</u>
Partners	\$490-975
Associates	\$310-800
Paralegals, law clerks, and litigation support staff	\$190-430

(19) *O'Bannon v. National Collegiate Athletic Assn.* (N.D. Cal. 2015) 2015 U.S. Dist. LEXIS 91514, filed July 13, 2015, a group antitrust action, in which the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
45	\$985
37	935-895
15	610-510
14	600

7	490
3	370
Paralegals	300-320
Law Clerks	325

(20) *Wynn v. Chanos* (N.D. Cal. 2015) 2015 U.S. Dist. LEXIS 80062, filed June 19, 2015, an anti-SLAPP fee award, in which the court found the following hourly rates reasonable:

<u>Years of Experience</u>	<u>2015/2014 Rates</u>
40	\$1085/1035
35	750
20	920/875
6	710/645
4	640/570

(21) *Gutierrez v. Wells Fargo Bank, N.A* (N.D. Cal. 2015) 2015 U.S. Dist. LEXIS 67298, filed May 21, 2015, an unfair business practices class action, in which the court found the following hourly rates reasonable (before applying a 5.5 multiplier):

<u>Year of Bar Admission</u>	<u>Rate</u>
1972	\$975
1989	850
2001	625
2006	435
2009	435
3	370
Paralegals	300-320
Law Clerks	325

Rate Information from Surveys

13. I also base my opinion on several credible surveys of legal rates, including the following:

- In December 2015, Thomson Reuters published its “Legal Billing Report,” which surveys the rates approved for various law firms by the bankruptcy courts. (Under bankruptcy law, the rates sought must be the firm’s ordinary commercial rates.) A

true and correct copy of an excerpt for the data listed for the West Regions is attached hereto as **Exhibit B**. It shows that Plaintiffs' counsel's rates are within the range of the rates found reasonable for other law firms.

- On January 5, 2015, the National Law Journal published an article about its then current rate survey entitled "Billing Rates Rise, Discounts Abound." A true and correct copy of that article is attached hereto as **Exhibit C**. It contains the rates charged by numerous Bay Area law firms handling comparably complex litigation. Plaintiffs' counsel's rates are well in line with those rates.
- The 2015 Real Rate Report Snapshot published by Ty Metrix/Legal Analytics summarizes the 2014 "real rates" for partners and associates in various cities. A copy of the relevant pages is attached hereto as **Exhibit D**. It shows that in 2014, based on the 823 partners and 742 associates San Francisco area attorneys surveyed, the Third Quartile hourly rates for partners was \$760 per hour. The Third Quartile hourly rate for associates was \$495 per hour. Given the results obtained here against fierce government opposition, in my opinion rates equal to at least the Third Quartile are the most appropriate measure. The rates sought by Plaintiffs' attorneys in this motion are significantly below these published rates. Moreover, in my experience, since 2014, most San Francisco Bay Area firms have raised their rates by at least 15%.

Hourly Rates Charged by Other Law Firms

14. Counsel's rates also are supported by the standard hourly non-contingent rates for comparable civil litigation stated in court filings, depositions, surveys, or other reliable sources by numerous California law firms or law firms with offices or practices in the Bay Area. These rates include, in alphabetical order:

Altshuler Berzon LLP

<u>2017 Rates:</u>	<u>Years of Experience/Level</u>	<u>Rate</u>
	Senior Partners	\$930
	Junior Partners (1991-2001)	875-690
	Associates (2008-2013)	510-365

Altshuler Berzon LLP

<u>2015 Rates:</u>	<u>Years of Experience/Level</u>	<u>Rate</u>
	32	\$895
	Junior Partners	825-630
	Associates	450-340
	Paralegals	250

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	38	\$895

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	34	\$850
	26	785
	21	750
	18	700
	14	625
	12	570
	11	550
	10	520
	6	410
	5	385
	4	335
	Law Clerks	250
	Paralegals	215

<u>2011 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	43	\$825
	17	675
	12	575
	10	520
	Law Clerks	225
	Paralegals	215

Arnold Porter LLP

<u>2015 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	40	\$1,085
	20	920
	6	710
	4	640

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	49	\$995
	45	720
	39	655

<u>2013 Rates:</u>	Average Partner	\$815
	Highest Partner	950

Arnold Porter LLP

Lowest Partner	670
Average Associate	500
Highest Associate	610
Lowest Associate	345

The Arns Law Firm LLP

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	37	\$950
	Law Clerks	165

Bingham McCutchen (now Morgan, Lewis & Bockius)

<u>2013 Rates:</u>	Average Partner	\$795
	Highest Partner	1,080
	Lowest Partner	220
	Average Associate	450
	Highest Associate	605
	Lowest Associate	185
<u>2011 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	30	\$780
<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	13	\$655
	4	480
	2	400

Boies Schiller & Flexner LLP

<u>2016 Rates:</u>	<u>Bar Admittance</u>	<u>Rate</u>
	1988	\$960
	2000	830
	2001	880

Bramson, Plutzik, Mahler & Birkhaeuser, LLP

<u>2015 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	38	\$745
	34	745
	27	745
	30 (Associate)	675
	Paralegal	160

Burson & Fisher

<u>2013 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
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Bramson, Plutzik, Mahler & Birkhaeuser, LLP

16	\$680-850
11	680
4	400
3	390
2	375
1	300
Law Clerks	225
Litigation Support Specialists	180

Chavez & Gertler

<u>2014 Rates</u>	<u>Years of Experience</u>	<u>Rate</u>
	35	\$775
	31	750
	33	695
	12	575
	5	395
	Legal Assistant	225
<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	33	\$750
	29	725
	32	675
	21	575
	11	535
	7	475
	Legal Assistant	185
<u>2011 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	32	\$725
	28	700
	10	550
	9	510
	5	425
	Paralegals	225

Coblentz Patch & Duffy

<u>2013 Rates:</u>	<u>Year of Bar Admission</u>	<u>Rate</u>
	1979	\$720
	1994	575
	2008	320
	Paralegals/Case Clerks	295

Cohelan Khoury & Singer

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	38	\$750
	28	750
	11	400
	Paralegal	170

Cooley LLP

<u>2017 Rates:</u>		<u>Years of Exp.</u>	<u>Rate:</u>	
		22		\$905
<u>2012- 2014</u>	<u>Years of Experience</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
<u>Rates:</u>	31	\$975	\$1,035	\$1,095
	17	670	710	770
	9	550	645	685
	7	500	585	685
	6		530	620
	3		355	445
	Paralegal		260	325
	Paralegal	245	260	275
				290

Cooper & Kirkham

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	33	\$775
	22	775
	15	500
	4	360
	Paralegals, case assistants, law clerks	225-250
<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	48	\$950
	37	825
	11	600

Cotchett, Pitre & McCarthy, LLP

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	49	\$900
	33	775
	22	775

Cotchett, Pitre & McCarthy, LLP

15	500
Senior Associates	415
4	360
Paralegals, case assistants, law clerks	225- 250

Covington Burling

<u>2015 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	30	\$805

	2	410
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<u>2014 Rates:</u>	<u>Level</u>	<u>Rate</u>
	Average Partner	\$780
	Highest Partner	890
	Lowest Partner	605
	Average Associate	415
	Highest Associate	565
	Lowest Associate	320

<u>2013 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	28	\$750
	16	670
	14	670
	7	510
	2	375
	5	490
	Litigation Support	110-355

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	27	\$730
	15	632-650
	13	650

<u>2011 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	26	\$710
	14	640
	12	600
	9	565
	7	550
	5	425
	3	390
	1	320

Covington Burling

<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	25	\$710
	13	640
	11	575-600
	8	550-565
	6	525-550
	4	390-425
	2	350-390

Duane Morris LLP

<u>2016 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	43	\$880
	41	880
	26	720
	25	695

Farella Braun & Martell LLP

<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	31	\$715

**Feinberg, Jackson, Worthman & Wasow
LLP**

<u>2016 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	28	\$800

Fenwick & West

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	45	\$750
	35	750
	23	725
	19	695
	5	400
	3	350
	Paralegal	125
<u>2013 Rates:</u>	18	\$755
	11	595
	2	425
<u>2012 Rates:</u>	40	\$865
	17	755
	10	595

Fenwick & West

1

375

Gibson Dunn & Crutcher LLP

<u>2016 Rates:</u>	<u>Bar Admittance</u>	<u>Rate</u>
	1987	\$852
	2010	540
	2013	404
<u>2015 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	37	\$1,125
	23	955
	3	575
<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	36	\$1,080
	22	910
	9 (Of Counsel)	740
	6	690
	2	485
<u>2013 Rates:</u>	Average Partner	\$980
	Highest Partner	1,800
	Lowest Partner	765
	Average Associate	590
	Highest Associate	930
	Lowest Associate	175

Goldstein, Borgen, Dardarian & Ho

<u>2016 Rates:</u>	<u>Graduation</u>	<u>Rate</u>
	<u>Year</u>	
Partners	1987	\$810
	1994	775
	2005	600
	2006	575
	2007	565
Of Counsel	1970	830-
		865
	1981	820
Associates	1993	750
	1994	725
	1995	700
	1996	675
	1997	650
	1998	625
	1999	600
	2000	600

	2001	600
	2002	575
	2003	575
	2004	575
	2005	550
	2006	525
	2007	500
	2008	475
	2009	450
	2010	425
	2011	400
	2012	375
	2013	375
	2014	350
	2015	325
	Law Clerk	250
	Statistician	300
	Sr. Paralegal	250-275
	Paralegal	200
	Case Clerk	195
	System Analyst	250
<u>2014</u>	<u>Years of Experience</u>	<u>Rate</u>
<u>Rates:</u>		
	33	\$795
	27	750
	8	500
	4	395
	3	350
	1	300
	Law Clerks/Paralegals	160-
		250
<u>2012</u>	<u>Years of Experience</u>	<u>Rate</u>
<u>Rates:</u>		
	Partners	
	42	\$785
	36	750
	31	700
	18	650
	Associates	
	7	470
	6	445
<u>2011</u>	<u>Years of Experience</u>	<u>Rate</u>
<u>Rates:</u>		

Partners	
41	\$725
35	725
30	700
24	650
18	600
17	600
16	550

2010
Rates:

Partners	
40	\$700
34	700
29	675
23	625
17	575
16	575
Of Counsel	
40	725
Associates	
15	\$500
11	440
6	375
5	365
4	355
3	340
2	325
1	305
Law Clerks	195
Paralegals	150-225

Greines, Martin, Stein & Richland

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	41	\$850
	29	850
	23	650
	18	500
	Law Clerks	100

Hausfeld LLP

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
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Hausfeld LLP

45	\$985
37	935-895
15	610-510
14	600
7	490
3	370
Paralegals	300-320
Law Clerks	325

Irell & Manella

<u>2013 Rates:</u>	<u>Level</u>	<u>Rate</u>
	Average Partner	\$890
	Highest Partner	975
	Lowest Partner	800
	Average Associate	535
	Highest Associate	750
	Lowest Associate	395

Janssen Malloy LLP

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	33	\$775
	Paralegals	175

Jones Day

<u>2016 Rates:</u>	<u>Bar Admission Year</u>	<u>Rate</u>
	2001	\$900
	2014	450
<u>2015 Rates:</u>	<u>Bar Admission Year</u>	<u>Rate</u>
	2001	\$875
	2014	400
<u>2013 Rates:</u>	<u>Level</u>	<u>Rate</u>
	Average Partner	\$745
	Highest Partner	975
	Lowest Partner	445
	Average Associate	435
	Highest Associate	775
	Lowest Associate	205

Keker & Van Nest, LLP

<u>2017 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	9	\$650
	5	525

Keker & Van Nest, LLP

<u>2010 Rates:</u>	<u>Level/Years of Experience</u>	<u>Rate</u>
	Partners	
	32	\$775
	Other Partners	525-975
	Associates	340-500
	Paralegals/Support Staff	120-260

Kemnitzer, Barron & Krieg

<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	38	\$750
	32	750
	8	475
	3	350
	Senior Paralegal	250

Kirkland & Ellis

	<u>Years of Experience</u>	<u>Rate</u>
2017 Rates:	20	\$1,165
	9	\$995
	8	\$965
	5	\$845
	4	\$845
	3	\$810
	2	\$555
<u>2013 Rates:</u>	<u>Level</u>	<u>Rate</u>
	Average Partner	\$825
	Highest Partner	995
	Lowest Partner	590
	Average Associate	540
	Highest Associate	715
	Lowest Associate	235

Latham & Watkins

<u>2016 Rates:</u>	<u>Level</u>	<u>Rate</u>
	Average Partner	\$1,185.83
	Highest Partner	1,595
	Lowest Partner	915
	Average Associate	754.62
	Highest Associate	1,205
	Lowest Associate	395
<u>2013 Rates:</u>	<u>Level</u>	<u>Rate</u>
	Average Partner	\$990

Latham & Watkins

Highest Partner	1,100
Lowest Partner	895
Average Associate	605
Highest Associate	725
Lowest Associate	465

Lawson Law Offices

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	24	\$650
<u>2011 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	23	625
	20	550

Lewis Feinberg Lee, Renaker & Jackson, P.C.

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	38	\$825
	29	750
	24	725
	21	700
	8	450
	7	425
	3	375
	Senior Paralegals	250
	Law Clerks	225

Lieff Cabraser Heimann & Bernstein, LLP

<u>2015 Rates:</u>	<u>Years of Bar Admission</u>	<u>Rate</u>
	1972	\$975
	1989	850
	2001	625
	2006	435
	2009	435
<u>2014 Rates:</u>	<u>Years of Bar Admission</u>	<u>Rate</u>
	1998	\$825
	2001	600
	2006	435
	2009	415
	2013	325
	Paralegal/Clerk	305
<u>2013 Rates:</u>		
	1975	\$925
	1998	800

Lieff Cabraser Heimann & Bernstein, LLP

2001	525
2003	490
2006	415
2009	395
2013	320
Paralegal/Clerk	285

Manatt, Phelps & Phillips

<u>2013 Rates:</u>	Average Partner	\$740
	Highest Partner	795
	Lowest Partner	640
<u>2010 Rates:</u>	Partners	525-850
	Associates	200-525

McKenna Long & Aldridge LLP

<u>2015 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	31	\$775
	10	650
		425
	5	420
	Senior Paralegal	350
	Paralegal	225
<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	30	\$775
	9	650
	5	420
	Litigation Support Mgr.	350
	Paralegals	225

Minami Tamaki LLP

<u>2015 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	39	\$795
<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	38	\$1,025
	22	815
	17	790
	38 (Of Counsel)	650
	7	620
	6	605
	5	595
	4	535

Minami Tamaki LLP

2	430
Paralegal	250

<u>2013 Rates</u>	<u>Years of Experience</u>	<u>Rate</u>
	37	\$985
	29	780
	21	760
	37 (Of Counsel)	650
	5	570
	4	515
	Paralegal	240
<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	36	\$750
	15	525
	5	395
	Paralegals	175

Morrison Foerster LLP

<u>2017 Rates:</u>	<u>Bar Admission Date</u>	<u>Rate</u>
	2007	\$608
	2012	575
<u>2016 Rates:</u>	<u>Bar Admission Date</u>	<u>Rate</u>
	1975	\$1,025
	1999	975
	1993	975
<u>2013 Rates:</u>	<u>Level</u>	<u>Rate</u>
	Average Partner	\$865
	Highest Partner	1,195
	Lowest Partner	595
	Average Associate	525
	Highest Associate	725
	Lowest Associate	230
<u>2011 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	22	\$775
	11	625
	10	620
	1	335
<u>2009 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	24	\$750

O'Melveny & Myers

<u>2016 Rates:</u>	<u>Bar Admission Date</u>	<u>Rate</u>
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O'Melveny & Myers

1985	\$1,175
2004	895
2005	780
2007	775
2010	725
2011	700
2012	655
2013	585
2014	515
2015	435

2013 Rates:

<u>Level</u>	<u>Rate</u>
Average Partner	\$715
Highest Partner	950
Lowest Partner	615

2012 Rates:

<u>Years of Experience</u>	<u>Rate</u>
12	\$695
4	495

Orrick Herrington & Sutcliffe**2014 Rates:**

<u>Level</u>	<u>Rate</u>
Average Partner	\$845
Highest Partner	1,095
Lowest Partner	715
Average Associate	560
Highest Associate	710
Lowest Associate	375

Paul Hastings LLP**2016 Rates:**

<u>Bar Admission Date</u>	<u>Rate</u>
1973	\$1,175
1997	895
1990	750

2014 Rates:

<u>Level</u>	<u>Rate</u>
Average Partner	\$815
Highest Partner	900
Lowest Partner	750
Average Associate	540
Highest Associate	755
Lowest Associate	595

Pillsbury Winthrop Shaw Pittman LLP**2013 Rates:**

<u>Level</u>	<u>Rate</u>
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Pillsbury Winthrop Shaw Pittman LLP

Average Partner \$865

Highest Partner 1,070

Lowest Partner 615

Average Associate 520

Highest Associate 860

Lowest Associate 375

2010 Rates: Years of Experience/Level Rate

Partners

30 \$705-775

Other Partners 595-965

Associates 320-650

Paralegals/Support Staff 85-380

Quinn Emanuel Urquhart & Sullivan**2013 Rates:** Level Rate

Average Partner \$915

Highest Partner 1,075

Lowest Partner 810

Average Associate 410

Highest Associate 675

Lowest Associate 320

Reed Smith LLP**2014 Rates:** Years of Experience Rate

37 \$830

18 695

15 585

6 485

5 435

2013 Rates: Years of Experience/Level Rate

Partner

36 \$830

30 805

17 610-615

14 570

Associates

8 450-535

6 495

Rosen, Bien, Galvan & Grunfeld LLP**2018 Rates:** Class Rates

Rosen, Bien, Galvan & Grunfeld LLP

Partners:	1962	\$1,000
	1980	\$965
	1981	\$920
	1984	\$835
	1997	\$780
	2005	\$650
Of Counsel:	1983	\$800
	1993	\$700
	2003	\$675
Senior Counsel:	2008	\$585
Associates:	2009	\$535
	2010	\$525
	2011	\$500
	2013	\$440
	2015	\$410
	2016	\$375
Paralegals:		\$340-240
Litigation		\$225
Support/Paralegal		
Clerks:		
Law Students:		\$275
Word Processing:		\$85
<u>2017 Rates:</u>	<u>Class/Level</u>	<u>Rate</u>
	Partners	
	1962	\$1,000
	1980	950
	1981	900
	1984	825

Rosen, Bien, Galvan & Grunfeld LLP

1997	780
2005	650
Of Counsel	
1983	800
1993	700
2003	675
Associates	
2008	575
2009	515
2010	500
2011	490
2013	425
2015	400
2016	375
Paralegals	325-240
Litigation Support/Paralegal	225
Clerks	
Law Students	275
Word Processing	85
<u>Class/Level</u>	<u>Rate</u>
1962	\$995
1980	900
1985	800
1997	740
2008	545
2009	490
Certified Law Student	275
Paralegal	275
<u>Years of Experience/Level</u>	<u>Rate</u>
Partners	
53	\$930
35	840
33	775
31	710
18	690
9	525
Of Counsel	590-610
Associates	
9	490
8	\$480
7	470

Rosen, Bien, Galvan & Grunfeld LLP

6	440
5	420
4	400
3	380
Paralegals	250-295
Litigation Support/Paralegal	200-220
Clks	
Law Students	275
Word Processing	85
<u>2014 Rates:</u>	<u>Years of Experience/Level</u> <u>Rate</u>
Partners	
52	\$900
34	800
30	675
17	650
Of Counsel	580
Associates	
8	470
8	460
7	450
6	440
5	410
4	390
2	350
Paralegals	230-290
Litig. Support/Paralegal	180-215
Clks	
Law Students	260
Word Processing	80
<u>2013 Rates:</u>	<u>Years of Experience/Level</u> <u>Rate</u>
Partners	
51	\$875
33	780
29	660
16	630
Of Counsel	
30	580
Associates	
20	550
10	480
9	465

Rosen, Bien, Galvan & Grunfeld LLP

8	445-450
7	440
6	435
5	405
4	375
3	355
Paralegals	220-280
Litigation Support/ Paralegal clerk	170
Law Clerk/Students	250
Word Processing	80

2012 Rates:

<u>Years of Experience/Level</u>	<u>Rate</u>
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Partners	
50	\$860
32	760
28	640
15	610
Of Counsel	
29	570
Associates	
19	540
10	470
9	460
7	400
6	400
5	380
4	360
3	340
Paralegals	215-280
Litigation Support/ Paralegal clerk	150
Law Clerk/Students	240
Word Processing	80

2011 Rates:

<u>Years of Experience/Level</u>	<u>Rate</u>
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Partners	
49	\$840
31	740
27	625
14	590
Of Counsel	
28	540

Rosen, Bien, Galvan & Grunfeld LLP

Associates

18 525

11 465

10 450

9 440

8 420

6 385

5 365

4 350

3 325

2 315

Paralegals 205-275

Litigation Support/ Paralegal 140-220

clerk

Law Clerk/Students 225

Word Processing 75

2010 Rates:Years of Experience/Level Rate

Partners

48 \$800

30 700

26 575

13 560

Of Counsel

27 520

Associates

17 510

13 490

9 430

8 415

7 390

5 360

3 325

1 285

Paralegals 200-275

Litigation Support/ Paralegal 135-220

clerk

Law Clerk/Students 190

Word Processing 70

Rudy, Exelrod, Zieff & Lowe LLP2010 Rates:Years ofRate

Rudy, Exelrod, Zieff & Lowe LLP

<u>Experience/Level</u>	
Partners	
42	\$725
32	725
15	625
Associates	
21	495
13	485
8	450

Schneider Wallace Cottrell Brayton Konecky LLP

<u>2017 Rates:</u>	<u>Law School Grad. Year</u>	<u>Rate</u>
	1993	\$835
	1997	750
	2009	650
	Paralegals and Legal Assistants	300
	Associates	350-700
	Law Clerks/Paralegals	135-300
<u>2015 Rates:</u>	<u>Years of Experience/Level</u>	<u>Rate</u>
	Partners – 14-23	\$750
	Associates	350-700
	Law Clerks/Paralegals	135-300
<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	
	13-22	\$750
	Associates/Of Counsel	575
	20	535-345
	37	295
	10-13	650
	0-3	350-475
	Paralegals/Law Clerks	135-300

Sheppard, Mullin, Richter & Hampton

<u>2014 Rates:</u>	<u>Level</u>	<u>Rate</u>
	Highest Partner	\$875
	Lowest Partner	490
	Average Partner	685
	Highest Associate	535
	Lowest Associate	275
	Average Associate	415

Sheppard, Mullin, Richter & Hampton

<u>2010 Rates:</u>	<u>Level</u>	<u>Rate</u>
	Partners	\$495-820
	Associates	270-620

Sidley Austin

<u>2010 Rates:</u>	<u>Years of Experience/Level</u>	<u>Rate</u>
	Partners	
	33	\$900
	Senior Partners	1,100
	Legal Assistants	120-280

Skadden, Arps, Slate, Meagher & Flom

<u>2013 Rates:</u>	<u>Level</u>	<u>Rate</u>
	Average Partner	\$1,035
	Highest Partner	1,150
	Lowest Partner	845
	Average Associate	620
	Highest Associate	845
	Lowest Associate	340

Stebner and Associates

<u>2015 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	30	\$750
	18	575
	6	450
	4	450
<u>2014 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	27	\$695
	22	630

Law Offices of Michael D. Thamer

<u>2015 Rates:</u>	<u>Law School Grad.</u>	<u>Rate</u>
	1981	\$775
	2008	550

Wilson Sonsini Goodrich & Rosati PC

<u>2017 Rates:</u>	<u>Bar Admission Date</u>	<u>Rate</u>
	2000	\$950
<u>2010 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	28	\$875
	Other Partners	650-975

Wilson Sonsini Goodrich & Rosati PC

Associates	290-610
Paralegals/Litigation	120-300
Support	

Zelle Hofmann Voelbel & Mason, LLP

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	Up to \$950
	Associates	Up to \$540
	Paralegals	Up to \$290
	Law Clerks	Up to \$250

<u>2012 Rates:</u>	<u>Years of Experience</u>	<u>Rate</u>
	Partners	
	38	\$800
	26	685
	23	650
	22	640
	Associates	
	9	500
	4	435
	3	415
	2	405
	1	395
	Paralegals	210-290

15. The rates filed in July 2012 by counsel in *Apple Inc. v. Samsung Electronics Co. Ltd.*, N.D. Cal. No. 11-cv-01846-LKK (PSG), also support the rates requested here. In that case, Quinn Emanuel Urquhart & Sullivan LLP, counsel for defendant Samsung, charged median partner rates of \$821 per hour and median associate rates of \$448 per hour.

16. In my experience, fee awards are almost always determined based on current rates, i.e., the attorney's rate at the time a motion for fees is made, rather than the historical rate at the time the work was performed. This is a common and accepted practice to compensate attorneys for the delay in being paid. The hourly rates set forth above in paragraph 14 are those charged where full payment is expected promptly upon the rendition of the billing and without consideration of factors other than hours and rates. If any substantial part of the payment were to be deferred for any substantial period of time, for example, the fee arrangement would be adjusted accordingly to compensate the attorneys for those factors.

1 If called as a witness, I could and would competently testify from my personal
2 knowledge to the facts stated herein. I declare under penalty of perjury under the laws of the
3 United States that the foregoing is true and correct. Executed this 12th day of July, 2018 in
4 Berkeley, California.

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6 RICHARD M. PEARL
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